

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

KARL M. SPEISER,)	
)	
Plaintiff/Counter-Defendant,)	
)	
v.)	NO.: 3:10-CV-98
)	(VARLAN/SHIRLEY)
U.S. BANK, <i>agent of</i> ELAVON,)	
)	
Defendant/Counter-Claimant.)	

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by United States Magistrate Judge C. Clifford Shirley on January 27, 2011 [Doc. 35]. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After careful review of the matter, the Court is in agreement with Magistrate Judge Shirley’s recommendations, which the Court adopts and incorporates into its ruling. The Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 35] and hereby **DENIES** plaintiff’s motion/application for leave to appeal *in forma pauperis* [Doc. 32] and **ORDERS** that, if plaintiff intends to pursue his appeal, he must pay the full appellate filing

fee or file a motion to proceed *in forma pauperis* with a supporting affidavit in the United States Court of Appeals for the Sixth Circuit within thirty (30) days.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE